

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JORGE DESSUS-MEDINA and	*	
JORGE A. DESSUS-CASCANTE	*	CIVIL NO. 19-1492
Plaintiffs	*	
	*	
Vs.	*	ABOUT : TORTS
	*	MEDICAL MALPRACTICE
HOTEL WYNDHAM SAN JOSE	*	EMTALA
HERRADURA - COSTA RICA,	*	DIVERSITY
WYNDHAM DESTINATION, d/b/a	*	JURY TRIAL
WYNDHAM WORLDWIDE, CO.,	*	
JOHN DOE, RICHARD ROE,	*	
and their respective insurance companies	*	
Defendants	*	

COMPLAINT

TO THE HONORABLE COURT:

COME NOW plaintiffs, through the undersigned attorney and respectfully alleges and request as follows:

I. JURISDICTION

1. This Honorable Court has jurisdiction under 28 U.S.C. sec 1332 (a) 1, (c) and (d).
2. Plaintiff and defendants are of diverse citizenship and the award requested exceeds \$75,000, exclusive of costs and interests. Plaintiff is resident of Puerto Rico.
3. Plaintiffs are residents of Puerto Rico. Defendants are residents of Orlando, Florida, USA and Costa Rica.
4. Article 1802 and 1803 of the Civil Code of Puerto Rico is invoked .
5. Trial by jury is hereby requested..

II. PARTIES:

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6. Plaintiffs Jorge Dessus-Medina, is legal age, married, citizen of the United States and resident of 24 Angel R. Mora St., Juana Diaz, Puerto Rico 00795. Maria T. Cascante-Vargas was physically injured in the Hotel Wyndham San José Herradura - Costa Rica.

7. Co-plaintiff, Jorge A. Dessus-Cascante, is single, of legal age, citizens of the United States and resident of resident of 24 Angel R. Mora St., Juana Diaz, Puerto Rico 00795. He is the only child of co-plaintiffs Jorge Dessus-Medina and Maria T. Cascante-Vargas.

8. Defendant Hotel Wyndham San José Herradura - Costa Rica is a hotel and resort located at Costa Rica, so it is presumed that' its citizenship.

9. Co-defendant Wyndham Destinations is an American hospitality company. It is the holding company for RCI and other lodging brands. It was spun off from Cendant Corporation in July 2006. Wyndham Destinations, headquartered in Orlando, Florida, operates several hotel brands around the world. It did business and it is known as Wyndham Worldwide, Co.

10. John Doe y Richard Roe are those persons who are in any way responsible to cause the facts that give reason for this claim. Included are the insurance companies of all the defendants.

III. FACTS:

11. The plaintiffs Jorge Dessus-Medina and Maria T. Cascante-Vargas decided to travel to the Republic of Costa Rica. While in Puerto Rico they saw the promotion of the Wyndham Hotel San José Herradura - Costa Rica, made the reservation and made the payment.

12. They traveled to the Republic of Costa Rica and stayed at the Wyndham San Hotel José Herradura - Costa Rica. When plaintiff Maria T. Cascante-Vargas went to use the bathtub she could not enter it because she tripped (her leg became entangled with the edge of the bathtub) and

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fell to the ground suffering multiple damages.

13. The plaintiff Maria T. Cascante-Vargas was transferred to the Clinic Bíblica Hospital in San José, Costa Rica where he was diagnosed with multiple lacerations, left arm fracture, pelvic fracture, etc. The plaintiff was operated on with an emergency operation, implanting a titanium plate in her left arm on January 7, 2016, paying for the plaintiffs' personal funds.

14. Due to the health condition of plaintiff Maria T. Cascante-Vargas, this she had to stay in the Republic of Costa Rica with her husband, co-defendant Jorge Dessus-Medina, until January 26, 2016.

15. The plaintiff Maria T. Cascante-Vargas suffers from a mental condition incapacitating that causes memory problems and together with the physical problems related to the accident and its recovery required co-complainant Dessus to remain permanently at his side in Costa Rica.

16. The plaintiffs incurred extraordinary expenses as a result of the accident suffered in the bathroom of the Hotel Wyndham San Jose Herradura - Costa Rica among which is: stay in Costa Rica until January 26, 2016, changes and purchase of tickets, meals during the stay, purchase of medicines, medical expenses for hospitalization emergency room (25- 26 December 2015) and operation of medical expenses for hospitalization and operation (January 4, 2016 - January 6, 2016, January 7, 2016 - January 21, 2016), incidental, etc.

17. The co-defendant Hotel Wyndham San José Herradura - Costa Rica reimbursed the approximate amount between three and four thousand dollars (\$ 3,000.00 - \$ 4,000.00) directly credited to a Banco Popular de Puerto Rico account belonging to the plaintiffs. After a claim

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(reimbursement request) the private medical health insurance of the plaintiffs partially reimbursed their medical expenses incurred for the accident and treatment of the applicant Cascante by issuing a check for one thousand five hundred dollars with eighty and seven cents (\$ 1,500.87) on the 7th June 2018.

18. In September 2018 the plaintiffs hired the services of an engineer to evaluate the conditions of the room including the bathroom of the Hotel Wyndham San José Herradura - Costa Rica. A report was issued on September 7, 2018 indicating the violations of the law and the multiple deviations from the construction standards to the federal and international construction codes committed by the defendants when they constructed and made available the bathroom of the room that the plaintiffs occupied what caused and / or contributed greatly to the accident that is the subject of this lawsuit.

19. The codefendants, supervisors, administrators, directors were negligent and caused emotional and mental damage and anguish to the plaintiffs.

IV. DAMAGES:

20. The plaintiffs Jorge Dessus-Medina, suffered mental anguish to see the accident medical treatment including surgeries, permanent incapacity of his wife. Damages that sum the amount \$1,000,000.00.

21. The plaintiffs Jorge Dessus-Medina, suffered monetary damages due to the accident, medical treatment including surgeries, permanent incapacity of his wife. Damages that sum the amount \$100,000.00.

22. The co-plaintiff Jorge A. Dessus-Cascante suffered mental anguish to see the

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accident, medical treatment including surgeries, permanent incapacity of his mother. Damages that sum the amount \$1,000,000.00.

IN WITNESS WHEREOF it is respectfully requested from this Honorable Court that judgment be entered against the defendant awarding damages to plaintiffs for no less than TWO MILLION ONE HUNDRED THOUSAND DOLLARS (\$2,100,000.00), plus cost, expenses and a reasonable amount for attorneys fees, grant plaintiffs such other relief as it may deem proper under the circumstances and pursuant to Rule 38 (b) of the Federal Rules of Civil Procedure, plaintiffs also hereby request a trial.

JURY TRAIL DEMANDED.

RESPECTFULLY SUBMITTED.

In Ponce, Puerto Rico this 23rd day of May of 2019.

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